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* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ W.P.(C) 397/2007 & CM 397/2007 (stay)

DELHI CANTONMENT BOARD ..... Petitioner
Through : Mr. R. Nanavaty, Adv.

versus

GOVT. OF INDIA & ORS. ..... Respondents
Through : Mr. Sandeep Sharma, Adv. for R-3.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% 07.08.2007

Counsels for the parties state that the decision of the learned Single Judge dated 24th February, 2003 upholding an award dated 15.6.1984 was challenged by the petitioner before a Division Bench of this Court by filing an intra court appeal being LPA No.30/2004 which was decided against the petitioner, vide judgment and order dated 19.1.2006 holding inter alia that termination of the service of the respondent No.3 was illegal in view of non-compliance of Section 25-F of the I.D. Act. Against the aforesaid judgment dated 19.1.2006, the petitioner filed an appeal before the Supreme Court being Civil Appeal No.20491/2006. The said appeal was also dismissed by the Supreme Court, vide judgment and order dated 13.4.2007. Hence, the entire issue has attained finality.

The recovery certificate issued by respondent No.2 and assailed in this matter emanates from the aforesaid proceedings. In view of the fact that the award dated 15.6.1984 has attained finality, nothing

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further survives in the present writ petition. Counsel for the respondent No.3 states that the respondent No.3 has since superannuated on 28.2.2006 and is therefore, only entitled to receive monetary benefits. A copy of the Statement of Accounts prepared by the petitioner has been placed on record by the counsel for the respondent No.3 along with his own calculations as amounts payable to the respondent No.3. The petitioner is directed to release all the dues payable to the respondent No.3 in accordance with law. The petitioner is directed to take necessary steps to process the case of the respondent No.3 for making payments and releasing his dues as permissible in law within a period of four weeks from today.

It may be noted that pursuant to the order dated 17.1.2007, the petitioner had deposited a sum of Rs.3.00 lacs in this Court in the form of an FDR. After the petitioner releases the amounts payable to the respondent/workman, the petitioner shall be at liberty to file an appropriate application for release of the aforesaid FDR along with interest accrued thereon, if any, in favour of the petitioner.

In terms of the aforesaid order, the writ petition stands disposed of along with the pending application.

HIMA KOHLI,J

AUGUST 07, 2007
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Ref. above.

→ Fresh CM 2154/13 for release of amount. Filed.